

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JEFFERY AXLEY,

Plaintiff,

v.

No. 07-1205

JAMES MARK BASS, RYAN'S
TRUCKING, INC., and THE
GOODYEAR TIRE & RUBBER
COMPANY,

Defendants

ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION
TO QUASH NOTICE OF DEPOSITION

Before the Court is the Motion to Quash Notice of Deposition filed by the Plaintiff, Jeffery Axley. However, a disposition on the merits of the motion is not warranted at this juncture as the Plaintiff's filing is not in compliance with the Local Rules of this district. The Local Rules provide that motions must be accompanied by a certificate of consultation "affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." LR7.2(a)(1)(B), Local Rules of the U.S. Dist. Ct. for the W. Dist. of Tenn. ("Local Rules"). The certificate of consultation

must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file a certificate to that effect, setting out counsel's efforts to comply with this rule.

LR7.2(a)(1)(B), Local Rules. In this case, the Plaintiff has not filed a certificate of consultation. “Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion.” LR7.2(a)(1)(B), Local Rules. In addition, the Plaintiff has failed to submit a memorandum of law, as well as a proposed Order granting his motion, additional requirements of Local Rule 7.2(a). As the motion is procedurally defective, it is hereby DENIED without prejudice.

IT IS SO ORDERED this 28th day of July, 2008.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE